

# JOURNAL OF THE SENATE

Friday, April 18, 1941

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 17, 1941.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clark, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, April 17, 1941, was corrected as follows:

On page 6, column 1, in line 30 from the top, between the words "Senator" and "Hinely" insert the words "Adams (30th) and"

And as corrected was approved.

Senator Rose was excused from attendance upon the Session today.

## REPORTS OF COMMITTEES

Senator Kanner, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber  
Tallahassee, Fla., April 17, 1941.

Hon. John R. Beacham,  
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Joint Resolution No. 88, proposing an amendment to the Constitution of the State of Florida to be known as Section 3 of Article XVII, relating to amendments.

Have had the same under consideration and recommend that the same pass, with the following amendments:

Amendment No. 1: In line two of Section 3, strike out the word "two-thirds" and in lieu thereof insert the words "three-fourths."

Amendment No. 2: In line eight of Section 3, strike out the words "two-thirds" and in lieu thereof insert the words "three-fourths."

Amendment No. 3: In line thirteen of Section 3, strike out the words "thirty nor more than sixty" and in lieu thereof insert the words "ninety nor more than one hundred eighty."

And Senate Joint Resolution No. 88, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on Second reading.

Senate Chamber  
April 17, 1941.

Senator Price, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 92:

A bill to be entitled An Act to define and to regulate the practice of dentistry and dental hygiene in the State of Florida and to provide penalties for the violation of any of the provisions of this Act.

And Senate Bill No. 92, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber  
April 17th, 1941

Senator Wilson, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bills and recommends that the same pass.

Senate Bill No. 52:

A bill to be entitled An Act to provide for the purchase, distribution and administration for Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board;

making an appropriation therefor, and repealing Chapter 19006, Laws of Florida, Act of 1939, and repealing all laws in conflict herewith.

Senate Bill No. 134:

A bill to be entitled An Act to making an appropriation for the maintenance of the Judah P. Benjamin Memorial in Manatee County, Florida and compensation of the custodian.

And Senate Bills Nos. 52 and 134, contained in the above report, were placed on the Calendar of Bills on second reading.

Senate Chamber, April 16th, 1941.

Senator Adams, Chairman of the Committee on Agriculture and Livestock, reported that the Committee had carefully considered the following bill and recommends that the same pass:

Senate Bill No. 52:

A bill to be entitled An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board; Making an appropriation therefor; and repealing Chapter 19006, Laws of Florida, Acts of 1939, and repealing all laws in conflict herewith.

And Senate Bill No. 52, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Cliett, Chairman of the Committee on Cities and Towns, submitted the following report:

Senate Chamber  
Tallahassee, Fla., April 17th, 1941.

Hon. John R. Beacham,  
President of the Senate.

Sir:

Your Committee on Cities and Towns, to whom was referred:

Senate Bill No. 26:

A bill to be entitled An Act to require all public officials now or hereafter required to post Fidelity or Performance bonds to post bonds written by surety companies authorized to do business in Florida, and providing that such officials shall not be qualified until such bonds are filed, and providing for payment of premiums thereon.

Have had the same under consideration and recommend that the same pass.

And Senate Bill No. 26, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senate Chamber  
April 18th, 1941.

Senator Folks, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bills and recommends that the same pass.

Senate Bill No. 5:

A bill to be entitled An Act to authorize Housing Authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize Housing Authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of Housing Authorities and of the Federal Government; to make obligations issued for such projects of Housing Authorities legal investments and security for deposits; and to declare valid all bonds, notes, and obligations for Housing Authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities.

Also—

Senate Bill No. 6:

A bill to be entitled An Act to declare valid and legal the establishment and organization of Housing Authorities in the State of Florida under the provisions of the Housing Au-

thorities Law, and all contracts, bonds, notes, agreements, obligations and undertakings of such Housing Authorities, and all proceedings, Acts and things heretofore undertaken, performed or done with reference thereto.

A. B. FOLKS,  
Chairman.

And Senate Bills Nos. 5 and 6, contained in the above report, were placed on the Calendar of Bills on second reading.

Senate Chamber  
Tallahassee, Fla., April 18, 1941.

Senator Folks, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bill—

Senate Bill No. 4:

A bill to be entitled An Act to amend Chapter 17,981, Laws of Florida, Acts of 1937, entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as Housing Authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such Housing Authorities in cities having population of more than 5,000; to define the powers and duties of Housing Authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing debentures and other obligations, and giving security therefor; to provide that Housing Authorities may obtain validation of their obligations and proceedings; and to confer remedies on obligee of Housing Authorities," as amended by Chapter 19,510, Laws of Florida, Acts of 1939, by adding thereto the following Sections to be designated and known as Sections 27, 28, 29, 30, 31, 32, 33, and 34 to create Housing Authorities for counties and to provide for the organization of such Authorities, to authorize the creation and organization of Regional Housing Authorities by groups of counties, to define the powers, provide for the appointment of Commissioners of such Housing Authorities and to authorize such Housing Authorities to provide housing for farmers of low income."

And recommends that the following Committee Substitute pass:

"A bill to be entitled An Act relating to rural housing; to create Housing Authorities for counties and to provide for the organization of such Authorities, to authorize the creation and organization of Regional Housing Authorities by groups of counties, to define the powers, and duties and area of operation of such Housing Authorities, to provide for the appointment of Commissioners of such Housing Authorities and to authorize such Housing Authorities to provide housing for farmers of low income and to provide that the provisions of Chapter 17,981, Laws of Florida, Acts of 1937, entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as Housing Authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such Housing Authorities in cities having a population of more than 5,000; to define the powers and duties of Housing Authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing debentures and other obligations, and giving security therefor; to provide that Housing Authorities may obtain validation of their obligations and proceedings; and to confer remedies on obligee of Housing Authorities," as amended by Chapter 19,510, Laws of Florida, Acts of 1939, shall apply to this Act except when in conflict herewith.

Very respectfully,  
A. B. FOLKS,  
Chairman of Committee.

And Senate Bill No. 4, contained in the above report, together with the Committee Substitute therefor, was placed on the Calendar of Bills on second reading.

Senate Chamber  
Tallahassee, Fla., April 18, 1941.

Senator Folks, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bills and recommends that the same pass—

House Bill No. 4:

A bill to be entitled An Act to declare valid and legal the establishment and organization of Housing Authorities in the State of Florida under the provisions of the Housing Authorities Law, and all contracts, bonds, notes, agreements,

obligations and undertakings of such Housing Authorities, and all proceedings, Acts and things heretofore undertaken, performed or done with reference thereto.

Also—

House Bill No. 5:

A bill to be entitled An Act to authorize the Housing Authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development to such projects until December 31, 1943; to authorize Housing Authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of Housing Authorities and of the Federal Government; to make obligations issued for such projects of Housing Authorities legal investments and security for deposits; and to declare valid all bonds, notes and obligations of the Housing Authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities.

Very respectfully,  
A. B. FOLKS,  
Chairman of Committee.

And House Bills Nos. 4 and 5, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber  
Tallahassee, Fla., April 17th, 1941.

Hon. John R. Beacham,  
President of the Senate.  
Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 52:

A bill to be entitled An Act to outlaw in the State of Florida the Communist Party, the German-American Bund, and all organizations groups, or individuals associated therewith who seek to overthrow the Government of the United States by force or violence through the advocacy of criminal anarchy, criminal communism, criminal nazi-ism, and criminal fascism.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,  
A. P. DRUMMOND,  
Chairman of the Joint Committee on Enrolled  
Bills on the Part of the Senate.

The bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator A. P. Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber  
Tallahassee, Fla., April 16th, 1941

Hon. John R. Beacham,  
President of the Senate.  
Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

Senate Concurrent Resolution No. 1:

WHEREAS, His Excellency, Spessard L. Holland, Governor of Florida, has expressed a desire to address the Legislature of Florida in Joint Session on this day, Tuesday, April 8th, A. D. 1941.

THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Senate and House of Representatives convene in Joint Session in the House of Representatives at 3:00 o'clock

P. M. this day, Tuesday, April 8th, A. D. 1941, for the purpose of receiving His Excellency's message.

Also—

Senate Concurrent Resolution No. 2:

Honorable Claude Pepper will be available to address a Joint Session of the Senate and House of Representatives on Monday, April 14th 1941.

Haxe examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

A. P. DRUMMOND,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Senate Concurrent Resolutions contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Shepherd moved that the rules be waived and the Senate do now reconsider the vote by which the Senate passed Senate Bill No. 138 on April 17, 1941.

Which was agreed to by a two-thirds vote, and the Senate reconsidered the vote by which Senate Bill No. 138 passed the Senate on April 17, 1941.

By unanimous consent Senator Shepherd withdrew Senate Bill No. 138.

Senator Dye moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 4:00 o'clock P. M., Monday, April 21, 1941.

Which was agreed to by a two-thirds vote and it was so ordered.

#### INTRODUCTION OF RESOLUTIONS

By Senator Drummond (By request)—

Senate Concurrent Resolution No. 7:

WHEREAS Doctor Helen Keller is in the State of Florida and will be available to address a joint session of the Senate and House of Representatives, on Tuesday, April 22, 1941, at 8 o'clock P. M., and,

WHEREAS a message from Doctor Keller will be of utmost benefit to the members of the Senate and House of Representatives in view of her intimate knowledge of conditions applicable to the blind and unfortunate people of the nation,

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring:

That the Senate and House of Representatives do invite Doctor Keller to address them in joint session in the House of Representatives at 8:00 P. M., Tuesday evening, April 22, 1941, and that the Senate and House of Representatives do convene in joint session at said time and place, if Doctor Keller accepts said invitation and signifies her ability to be present.

Which was read the first time in full.

Senator Drummond moved that the rules be waived and Senate Concurrent Resolution No. 7 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 7 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 7 was adopted and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Shands moved that a committee be appointed to escort the Honorable Harry Wells, former member of the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Shands, Beall and Lewis as the committee.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Smith and Kelly—

Senate Bill No. 158:

A bill to be entitled An Act amending Section 250, Revised

General Statutes of Florida, 1920, being Section 306, Compiled General Laws of Florida, 1927, the same being the law fixing and prescribing the compensation of inspectors and clerks of any Special or General Election, by including therein a provision for the payment by the Board of County Commissioners of the compensation of Deputy Sheriff serving at the polling places in any such Election and validating all payments heretofore made to such Deputy Sheriffs by any Board of County Commissioners.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Smith—

Senate Bill No. 159:

A bill to be entitled An Act to amend Section 3224 of the Revised General Statutes of Florida of 1920, the same being Section 5030 of the Compiled General Laws of 1927, relating to temporary injunction or an abatement of nuisances.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Smith—

Senate Bill No. 160:

A bill to be entitled An Act to enlarge the powers and duties of the State Welfare Board and to require the State Welfare Board to give assistance from the Old Age Assistance Fund to all persons regardless of age who have been bona fide citizens of Florida for a period of not less than one year and who are physically or mentally disabled to earn a living and have no sufficient means or source of support on the same basis and at the same rate as other beneficiaries receiving Old Age Assistance.

Which was read the first time by title only and referred to the Committee on Welfare.

By Senators Smith and Kelly—

Senate Bill No. 161:

A bill to be entitled An Act prescribing the duties of Sheriffs in levying writs.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator King—

Senate Bill No. 162:

A bill to be entitled An Act to designate that part of the State Road Number 30 which lies within the boundaries of Polk County as the P. J. Langford Memorial Highway.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 162 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 162 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 162 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 162 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

By Senator Shands—

Senate Bill No. 163:

A bill to be entitled An Act authorizing the State Road Department to provide curbs and gutters for that portion of State Road 31, extending through the Town of Hawthorne in Alachua County, and for that portion of State Road 77, extending through the Town of Trenton in Gilchrist County.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator King—  
Senate Bill No. 164:

A bill to be entitled An Act to designate that part of the State Road No. 34 which lies within the boundaries of Polk County, as the John L. Robison Highway.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 164 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 164 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 164 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 164 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

By Senator King—  
Senate Bill No. 165:

A bill to be entitled An Act to provide for assistance to blind voters in marking ballots or using voting machines.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator King—  
Senate Bill No. 166:

A bill to be entitled An Act to provide for the nomination of candidates for President and Vice President of the United States in the Primary Election and providing for the qualifying of candidates therefor.

Which was read the first time by title only and referred to the Committee on Privileges and Elections.

By Senator Johnson—  
Senate Bill No. 167:

A bill to be entitled An Act to further regulate and tax the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, by amending Section 5 of Chapter 16,774, Laws of Florida of 1935; said Chapter 16,774, being entitled: "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages," and providing penalties for the violation of this Act.

Which was read the first time by title only and referred to the Committee on Temperance and the Committee on Finance and Taxation, jointly.

By Senator Smith—  
Senate Bill No. 168:

A bill to be entitled An Act providing for nominations for appointments or election to the offices of State Attorneys by a political party in a primary election and providing for the qualifying of candidates therefor.

Which was read the first time by title only and referred to the Committee on Privileges and Elections.

By Senator Smith—  
Senate Bill No. 169:

A bill to be entitled An Act to amend Chapter 14782, Laws of Florida, 1931, by providing for pensions to widows of pensioners who are entitled to receive monthly allowance in the form of a pension to school teachers who have taught in the public free schools of the State of Florida for 35 or more years.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Butler—  
Senate Bill No. 170:

A bill to be entitled An Act for the relief of Gus Cheshire of Jacksonville, Duval County, Florida, and providing an appropriation for injuries and damages sustained by him by reason of an accident with a truck belonging to and being operated by the State Road Department, and providing for the payment of same.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Beal—  
Senate Bill No. 171:

A bill to be entitled An Act to provide necessary facilities for the Supreme Court, Railroad Commission and law library; for the erection and furnishing of a suitable addition to the court building erected in the year 1912, by a special building commission; making an appropriation for the same and otherwise relating to said purpose.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Horne—  
Senate Bill No. 172:

A bill to be entitled An Act fixing the fees and taxes to be collected by the Motor Vehicle Commissioners upon the registration or re-registration of automobiles for private use, and repealing all laws or parts of laws in conflict herewith and providing when this Act shall take effect.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Horne—  
Senate Bill No. 173:

A bill to be entitled An Act assessing, levying and imposing an annual license tax upon every person, firm, copartnership, joint adventure, joint stock company, association, corporation, estate, business trust, receiver, syndicate, fiduciary, or any other association of persons conducting, engaging in or carrying on the business of a retailer in this State, and operating an independent store or one or more chain stores within this State; and to classify such stores for the purpose of such license taxes and of graduating the license tax in accordance with the number of stores operated under a single ownership, management or control, in this State; and also assessing, levying and imposing a separate and additional annual license tax based on the amount of gross receipts in each separate store for the preceding twelve months or fraction thereof preceding the first day of July; defining "independent store" and "chain store" and "chain stores" and other words used in this Act; to provide for the administration and enforcement of this Act and for the promulgation and enforcement of rules and regulations to facilitate such enforcement; to provide for the creation and enforcement of a lien upon the property of persons and associations liable for the payment of such license tax; to provide penalties for the violation of this Act and of rules and regulations lawfully made under the authority hereof; to provide for the filing of sworn reports by the person or association on which such license tax is imposed; and to repeal conflicting laws, expressly but on condition, including all parts and Sections of Chapter 16848, Laws of Florida, 1935; and to appropriate the revenues derived hereunder.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Butler—  
Senate Bill No. 174:

A bill to be entitled An Act to declare, designate and establish a certain State Road.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Collins—  
Senate Bill No. 175:

A bill to be entitled An Act to repeal the provisions of Chapter 17917, Laws of Florida, 1937, providing for certain license taxes on boats, vessels, schooners or launches operating and/or plying in the tidal and salt waters, or other waters under the control of the State Board of Conservation of the State of Florida.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Drummond—

Senate Bill No. 176:

A bill to be entitled An Act to clarify existing law by providing that where the mortgagee named in any mortgage is a married man or a married woman, or where the assignee of any mortgage is paid or satisfied, such mortgagee or assignee alone may satisfy such mortgage and it shall not be necessary for the other spouse to join in either the execution or acknowledgment of such satisfaction.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Lindler—

Senate Bill No. 177:

A bill to be entitled An Act for the relief of John Green Hodges of Lake City, Columbia County, Florida, for injuries received by him while working on a State Road in said County as an employee of the State of Florida.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Lindler—

Senate Bill No. 178:

A bill to be entitled An Act relating to limited Agricultural Associations; authorizing the formation of such Associations; prescribing the powers and duties thereof; limiting the personal liability of members, and providing procedure for the formation, organization, operation and dissolution of such Associations.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senators Cooley and Drummond—

Senate Bill No. 179:

A bill to be entitled An Act to amend Section 7 of Committee Substitute for House Bill 579 of the 1939 Session, the same being An Act entitled "An Act to prescribe the maximum weight, width, length and height of certain motor vehicles operated on the public highways of the State of Florida, and relating to the operation of motor vehicles, and placing a maintenance tax thereon."

Which was read the first time by title only.

Senator Cooley moved that the rules be waived and Senate Bill No. 179 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 179 was read the second time by title only.

Senator Cooley moved that the rules be further waived and Senate Bill No. 179 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 179 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Whitaker, Wilson—34.

Nays—Senators Dye, Ward—2.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senator Clarke moved that a committee be appointed to escort Honorable T. T. Turnbull, former member of the Senate from the 22nd, Senatorial District and a past President of the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Clarke, Butler and Hinely as the committee.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Fla.  
April 17, 1941.

Hon. John R. Beacham,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed.

By Mr. Luckie of Duval—

House Bill No. 61:

A bill to be entitled An Act to amend Section 4846, Revised General Statutes of Florida, the same being Chapter 6932, Compiled General Laws, 1927, as amended by Section 1, Chapter 16067, Acts of 1933, relating to legal holidays.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 61, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "C."

Senate Bills Nos. 444 (1939 Session), 849 (1939 Session), and 514 (1939 Session) were taken up in their order and the consideration of same was informally passed.

Senate Bill No. 372 (1939 Session):

"A bill to be entitled An Act making an appropriation of Five Thousand (\$5,000.000) Dollars, to each of six counties of the State of Florida, viz: Escambia, Santa Rosa, Walton, Okaloosa, Bay and Wakulla, in order to be able to secure any Federal or United States funds that may be appropriated for the control and elimination of the dog fly pest in said counties; providing for a method of repayment of the appropriation by the State of Florida; and setting up methods for the enforcement of this Act."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 372 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 782 (1939 Session):

"A bill to be entitled An Act appropriating Five Thousand (\$5,000.00) Dollars from the General Inspection Fund for the use of the State Executive Committee of the Young Democratic Clubs of Florida in its campaign to bring the 1941 National Convention of the Young Democratic Clubs of America to Florida."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 782 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 693 (1939 Session):

"A bill to be entitled An Act making an appropriation to be used as sponsor's contribution to match federal funds for the construction of building at the Florida School for the Deaf and Blind."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"



Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 693 of the 1939 Session failed to pass over the Governor's veto

Senate Bill No. 690 (1939 Session):

"A bill to be entitled An Act for the relief of C. D. Ivey, a resident of St. Johns County, Florida, providing an appropriation for injuries and damages sustained by him on account of an automobile collision occurring at Junction Point on State Highway No. 4 near St. Augustine, Florida, on January 1, 1936, providing for the State Treasurer and the State Comptroller of the State of Florida to draw and cause to be drawn, warrant in payment of said appropriation herein provided for: and providing for the enforcement of this Act."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 690 of the 1939 Session failed to pass over the Governor's veto

Senate Bill No. 541 (1939 Session):

"A bill to be entitled An Act to amend Section 1 of Chapter 17976, Acts of 1937, entitled An Act relating to the guardianship of weak-minded and physically incapacitated persons by the appointment of a curator to take charge of their property and, if necessary, a guardian to take charge of their persons, prescribing the form of petition, notice of hearing and procedure with reference to making said appointment, powers and duties of curator and guardian, discharge of curator and of guardian, appointed under the provisions of this Act, effect of the decree of appointment and provisions for safe-guarding the property and interests of said weak-minded or physically incapacitated persons."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 541 of the 1939 Session failed to pass over the Governor's veto

Senate Bill No. 266 (1939 Session):

"A bill to be entitled An Act authorizing the State Road Department to permit any responsible Person, Firm or Corporation to erect within the right of way of any State road, stations or waiting rooms for school children who are transported by school buses; providing the conditions and terms under and by which such permits may be granted: and empowering the Road Department to make reasonable rules and resolutions covering the same."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 266 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 167 (1939 Session):

"A bill to be entitled An Act to define farm and farm trailers operated in connection therewith; to provide that such farm vehicles and farm trailers shall be exempt from the requirement of registration and the purchase of tags under the Motor Vehicle Laws of this State, when such farm vehicles and/or trailers are operated on farms, groves and orchards and in going to and from headquarters to such farms, groves and orchards."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 167 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 141 (1939 Session):

"A bill to be entitled An Act for the relief of R. H. Brown in the matter of damage done to certain lands owned by him by the building of highways and requiring the Florida State Road Department to pay to the said R. H. Brown the sum of Two Hundred and Fifty Dollars."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 141 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 1160 (1939 Session):

"A bill to be entitled An Act providing that in all counties of the State of Florida having a population of not less than 7,000 and not more than 7,500, according to the last preceding State Census, the provisions of Section 9 of Chapter 18296, Laws of Florida of 1937, shall not apply to any lots, parcels or tracts of land where the county or any municipality or any drainage district, or other taxing authority in the said county holds a lien, other than a state and county tax lien, on said lots, parcels or tracts of land by virtue of any valid law of said State of Florida."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 1160 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 1098 (1939 Session):

"A bill to be entitled An Act providing that in all Counties of the State of Florida having a population of not less than 60,000 and not more than 80,000 according to the last preceding State census. The provision of Chapter 18292, Laws of Florida, Acts of 1937, same being an Act relating to and concerning taxation and providing for the Sale of Tax Certificates together with subsequent omitted or levied taxes; and further providing for vesting of title to land covered by Tax Certificates in State of Florida, shall not apply and shall be of no force and effect in such counties; repealing all laws in conflict herewith."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 1098 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 1190 (1939 Session):

"A bill to be entitled An Act providing that in all counties of the State of Florida having a population of no less than 9,000 and not more than 9,700, according to the last preceding State Census, the provisions of Section 9 of Chapter 18296, Laws of Florida of 1937, shall not apply to any lots, parcels or tracts of land where the county or any municipality or any drainage district, or other taxing authority in the said county holds a lien, other than a state and county tax lien on said lots, parcels or tracts of land by virtue of any valid law of said State of Florida."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—None.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

So Senate Bill No. 1190 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 422 (1939 Session):

"A bill to be entitled An Act for the relief of L. B. Alexander, of the City of Waldo, County of Alachua, State of Florida, on account of injuries to his automobile caused by a State convict running into said car."

Was taken up in its order and read by title, together with the objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of the bill the roll was called and the vote was:

Yeas—Senators Cooley, Graham, King, Shands—4.

Nays—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Drummond, Dye, Folks, Gideons, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—33.

So Senate Bill No. 422 of the 1939 Session failed to pass over the Governor's veto.

Senate Bill No. 81 (1939 Session):

"A bill to be entitled An Act authorizing the establishment and maintenance of separate State Prisons for the confinement and punishment of female persons and first offenders under twenty-five years of age, convicted and sentenced to the State Prison."

Was taken up and read by title, together with the following objections thereto of the Honorable Fred P. Cone, former Governor of Florida.

June 9th, 1939.

Honorable R. A. Gray,  
Secretary of State,  
Tallahassee, Fla.

Dear Mr. Gray:

Pursuant to authority vested in me as Governor of Florida under the provisions of Section 28, Article III of the Constitution of this State, I transmit to you with my objections thereto, Senate Bill No. 81, entitled:

"A bill to be entitled An Act authorizing the establishment and maintenance of separate State prisons for the confinement and punishment of female persons and first offenders under twenty-five years of age, convicted and sentenced to the State prison."

This bill authorizes the building of a separate State prison for the confinement and punishment of female persons and first offenders under 25 years of age, without providing any revenue for the purpose of carrying out the terms of the bill.

The State has no money and the Legislature did not provide the source from which this revenue is to come in order to carry out the mandates of this bill. therefore, I veto Senate Bill No. 81, passed by the 1939 session of the Legislature.

Respectfully,

FRED P. CONE,  
Governor.

Pending consideration of Senate Bill No. 81 (1939 Session), Senator Kelly moved that the further consideration thereof be informally passed.

Which was agreed to and it was so ordered.

Senator Horne moved that the rules be waived and all bills now referred to and in possession of committees be permitted to remain with the respective committees for a period of fourteen days from the date of each reference thereof.

Which was not agreed to.

#### SENATE BILLS ON SECOND READING

Senate Bill No. 66:

A bill to be entitled An Act exempting machines used for vending drinking cups, postage stamps and also coin operated machines or devices, such as parcel checking lockers and toilet locks, used in railroad, bus, airport stations, depots and hotels, boarding houses, restaurants and rest rooms for the convenience of or in rendering service to the public from any and all license taxes.

Was taken up in its order and read the second time in full.

Senator Whitaker moved that the rules be waived and Senate Bill No. 66 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 66 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Beall, Butler, Cliett, Cooley, Dye, Gideons, Horne, Housholder, Johnson, King, Price—12.

Nays—Senators Adams (25th), Adams (30th), Clarke, Collins, Drummond, Folks, Graham, Hinely, Kanner, Kelly, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—25.

So the bill failed to pass.

Senate Bill No. 55:

A bill to be entitled An Act relating to the time of entry of defaults and decrees pro confesso.

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 55 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 66 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 55 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 55 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senate Bill No. 53 was taken up in its order and the consideration thereof was informally passed.

Senate Bill No. 54:

A bill to be entitled An Act relating to the removal of a prisoner to jail of another county, and to repeal Section 6209 Revised General Statutes of Florida.

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 54 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 54 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 54 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 54 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—36.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senate Bill No. 10:

A bill to be entitled An Act relating to mortgages or other instruments given by cooperative associations, as defined herein, for the purpose of creating liens on real or personal property, or both, securing not only existing indebtedness but also future advances, whether obligatory or otherwise; providing for the priority of such mortgages or other instruments; and providing when this Act shall become effective.

Was taken up in its order.

Senator King moved that the rules be waived and Senate Bill No. 10 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 10 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 10 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 10 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senate Bill No. 56:

A bill to be entitled An Act relating to witness pay rolls and to amend Section 1778 (CGL 2829) Revised General Statutes of Florida, entitled "Clerk Not Entitled to Fee."

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 56 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 56 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 56 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 56 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Price, Shands, Shepherd, Shuler, Smith, Ward, Whitaker, Wilson—34.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

Senate Bill No. 3:

A bill to be entitled An Act to amend Paragraph (12) of Section 3 of Chapter 16085, Laws of Florida, Acts of 1933, being Paragraph (12) of Section 1285, Permanent Cumulative Supplement to Compiled General Laws of Florida, 1927; said chapter relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle sidecars and providing penalties for the violation thereof, so as to provide for the exemption from the provisions of said chapter any motor truck, trailer or semi-trailer owned and operated exclusively by any charitable or character-building youth organization or movement organized and operated not for profit and while being used exclusively for the carrying out of the purpose of said organization.

Was taken up in its order.

Senator King moved that the rules be waived and Senate Bill No. 3 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 3 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 3 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 3 was read the third time in full.

Pending roll call, Senator King moved that the further consideration of Senate Bill No. 3 be informally passed.

Which was agreed to.

Senate Bill No. 90:

A bill to be entitled An Act amending Section 1285 Revised General Statutes of the State of Florida, as amended, and setting the motor vehicle license fee for motor vehicles used exclusively for the transportation of pupils to and from school; repealing all laws in conflict herewith and setting the time for which this Act shall become effective.

Was taken up in its order.

Senator Kanner moved that the rules be waived and Senate Bill No. 90 be read the second time by title only.



Which was agreed to by a two-thirds vote.

And Senate Bill No. 90 was read the second time by title only.

Senator Kanner moved that the rules be further waived and Senate Bill No. 90 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 90 was read the third time in full.

By unanimous consent Senator Kanner offered the following amendment to Senate Bill No. 90:

Strike out "1285" wherever it appears in the bill and insert the following: "1011" in each place.

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kanner also offered the following amendment to Senate Bill No. 90:

In the title strike out "1285" and insert the following: "1011."

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—36.

Nays—None.

So the bill passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Dye moved that the hour of adjournment be extended thirty (30) minutes.

Which was agreed to and it was so ordered.

Senator Cooley moved that the rules be waived and the Senate do now revert to the consideration of messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,  
April 18, 1941.

Hon. John R. Beacham,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

#### House Bill No. 120:

A bill to be entitled An Act providing for the registration and licensing of manufacturers, factory branches and factory representatives of motor vehicles; setting forth reasons for the denial, suspension or revocation of licenses; providing for the denial, suspension or revocation of such licenses; authorizing the Motor Vehicle Commissioner to make rules and regulations, and providing for the enforcement of this Act and penalties for the violation thereof.

Also—

#### House Bill No. 121:

A bill to be entitled An Act providing for the recording in the office of the Motor Vehicle Commissioner of a sworn notice of all liens for purchase money or as security for debts on motor vehicles; providing that no such lien shall be enforceable as against creditors or subsequent purchasers without notice unless such notice has been recorded in such office; authorizing the Motor Vehicle Commissioner to make rules and regulations for the enforcement of this Act and prepare form and books for such recording; providing the amount of fees to be charged; providing for the cancellation of such liens upon payment and penalties for failure to cancel such liens upon payment, and repealing all laws in conflict except Chapter 4918, Acts of 1901, known as Section 7866 C. G. L. 1927, and Section 5663, Revised General Statutes.

Also—

#### House Bill No. 122:

A bill to be entitled An Act providing that no motor vehicle shall be offered for sale, sold or exchanged which has been in taxi cab, U-Drive-It or for hire service unless the certificate of title has stamped upon it that such motor vehicle has been in such service and unless a notice is also affixed to the windshield of such motor vehicle that it has been in such service, and providing penalties for the violation hereof.

And respectfully requests the concurrence of the Senate therein.

Very Respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 120, contained in the above message, was read the first time by title only.

Senator Cooley moved that the rules be waived and House Bill No. 120 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 120 was read the second time by title only.

Senator Cooley moved that the rules be further waived and House Bill No. 120 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 120 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

And House Bill No. 121, contained in the above message was read the first time by title only.

Senator Cooley moved that the rules be waived and House Bill No. 121 be read a second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 121 was read the second time by title only.

Senator Dye offered the following amendment to House Bill No. 121:

At end of Section 1 add, a "comma" in lieu of the "period" and add the following "which filing is in lieu of all filing and recording now required or authorized by law, and shall be effective as constructive notice when filed."

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye also offered the following amendment to House Bill No. 121:

In Section 3, line 5, (typewritten bill) strike out the words "without" and insert in lieu thereof the following: "at not to exceed fifty percent more than".

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye also offered the following amendment to House Bill No. 121:

At end of Section 3, add: "The said commissioner is hereby authorized to furnish certified copies of such notices or satisfactions for a fee of \$1.00 which certified copies shall be admissible in evidence in all courts of this State under same conditions and to same effect as certified copies of other public records."

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye also offered the following amendment to House Bill No. 121:

Strike Section 7, and insert in lieu thereof the following "Sec. 7. This Act shall take effect on August 1, 1941."

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Senator Dye moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

Senator Cooley moved that the rules be waived and House Bill No. 121 as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 121, as amended, was read the third time in full.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Whitaker, Wilson—35.

Nays—Senator Ward—1.

So the bill passed, as amended, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

And House Bill No. 122, contained in the above message, was read the first time by title only.

Senator Cooley moved that the rules be waived and House Bill No. 122 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 122 was read the second time by title only.

Senator Cooley moved that the rules be further waived and House Bill No. 122 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 122 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—37.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be certified to the House of Representatives immediately, by waiver of the rule.

By unanimous consent Senator Dye withdrew Senate Bills Nos. 79, 81 and 84.

Senator Shuler moved that a committee be appointed to escort Honorable H. N. Walker, a former member of the Senate from the 5th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Shuler, Maddox and Housholder as the committee.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,  
April 18th, 1941.

Hon. John R. Beacham,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted:

Senate Concurrent Resolution No. 7:

WHEREAS, Doctor Helen Keller is in the State of Florida and will be available to address a joint session of the Senate and House of Representatives, on Tuesday, April 22, 1941, at 4 o'clock P. M., and,

WHEREAS, a message from Doctor Keller will be of utmost benefit to the members of the Senate and House of Representatives in view of her intimate knowledge of conditions applicable to the blind and unfortunate people of the nation,

NOW, THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives concurring:

That the Senate and House of Representatives do invite Doctor Keller to address them in joint session in the House of Representatives at 4:00 P. M. Tuesday afternoon, April 22, 1941, and that the Senate and House of Representatives do convene in joint session at said time and place, if Doctor

Keller accepts said invitation and signifies her ability to be present.

Very Respectfully,

BEN H. FUQUA,  
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 7, contained in the above message, was referred to the Committee on Enrolled Bills.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,  
April 18th, 1941.

Hon. John R. Beacham,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members of the House of Representatives present on April 18, 1941, the Governor's objections to the contrary notwithstanding:

House Bill No. 548—(1939 Session):

A bill to be entitled An Act assenting to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects and other purposes," approved September 2, 1937, and prohibiting the diversion of the funds accruing to the State of Florida from license fees paid by hunters for any purpose other than the administration of the Department of Game and Fresh Water Fish of Florida.

And respectfully requests the concurrence of the Senate therein.

Very Respectfully,

BEN H. FUQUA,  
Chief Clerk House of Representatives.

And House Bill No. 548 (1939 Session), contained in the above message, was read by title together with the following objections thereto of the Honorable Fred P. Cone, former Governor of Florida:

State of Florida  
EXECUTIVE DEPARTMENT  
Tallahassee

June 9th, 1939.

Honorable R. A. Gray,  
Secretary of State,  
Tallahassee, Florida.

Dear Mr. Gray:

Pursuant to authority vested in me as Governor of Florida under the provisions of Section 28, Article III of the Constitution of this State, I transmit to you with my objections thereto, House Bill No. 548:

"A bill to be entitled An Act assenting to the provisions of the Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects and other purposes," approved September 2, 1937: and prohibiting the diversion of the funds accruing to the State of Florida from license fees paid by hunters for any purpose other than the administration of the Department of Game and Fresh Water Fish of Florida."

The bill is indefinite. It gives the Commission of Game and Fresh Water Fish the power to protect the wild life of Florida according to the rules and regulations made by the Secretary of Agriculture of the United States.

This bill does away with home rule and State rights and any rule or regulation promulgated by the Secretary of Agriculture would be mandatory upon the Game and Fresh Water Fish Commission of the State of Florida and when this was once approved the State of Florida would be powerless to control its fresh water fish, game and wild life.

It prevents the transfer of any money or surplus funds accruing to the Game and Fresh Water Fish Commission to any other Department of the State of Florida and if this bill should become effective it would set a precedent for other Boards and Commissions, who have taxing authority, and the State of Florida would be powerless to use by transfer any funds from the various Boards and Commissions, although the Constitutional departments of the State might be in distress.

I do not believe that the Constitution would permit the State Legislature to delegate to any Commission this power and authority but such Commission should be submissive to the Constitutional Officers of the State.

The State is now and has been for two years, with its public charges, embarrassed for the want of funds for their care and maintenance, when many Boards and Commissions who have taxing powers, have plenty of money in the Treasury to spend as they see fit and quite often spend it for useless things, yet the Constitutional Departments of the State are suffering for the want of funds and the dependent charges such as convicts, blind insane and others are without funds for ordinary care and maintenance.

For the foregoing reasons, I veto House Bill No. 548, as passed by the 1939 Legislature

Respectfully submitted.

FRED P. CONE,

Governor.

Pending consideration of House Bill No. 548 (1939 Session) Senator Shuler moved that the further consideration thereof be informally passed.

Which was agreed to.

Senator Lewis moved that the Senate do now proceed to the consideration of Executive Communications.

Which was agreed to.

And the Senate went into Executive Session at 1:21 o'clock P. M.

The Senate emerged from Executive Session at 1:32 o'clock P. M. and resumed its Session.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Clift, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kan-ner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Shands, Shepherd, Shuler Smith, T aylor, Ward, Whitaker, Wilson—37.

A quorum present.

Senator Dye moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:33 o'clock P. M., until 4:00 o'clock P. M., Monday, April 21, 1941.